

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THE REGENTS OF THE UNIVERSITY
OF NEW MEXICO,

Plaintiff and Counterdefendant,

vs.

Civ. No. 99-577 JC/WWD

GALEN D. KNIGHT, an individual; and
TERENCE J. SCALLEN, an individual,

Defendants and Couterplaintiffs.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Knight's Memorandum and Motion to Compel Production of Documents and For Sanctions, or in the Alternative to Dismiss Appropriate Counts of UNM's Complaint [docket no. 161] filed July 6, 2000. The motion purports to seek the production of certain items in a privilege log prepared by Plaintiff which "Knight is unable to present ... since it would exceed the fifty page limit." Paragraph 5, page 2 of Knight's motion to compel. Apparently Knight has submitted an edited and rearranged privilege log as Defendant's Exhibit No. 1 to the instant motion which carries the notation "Abbreviated by Knight" at the top of the first page of the exhibit. The motion contains references to certain paragraph of Knight's first set of interrogatories and requests for production of documents, none of which are given to the Court for reference. In short, the aforementioned motion to compel is nonspecific, confused, and argumentative.

Notwithstanding the difficulties posed by the shortcomings of the motion, there are listed certain documents which shall be submitted to the Court for an *in camera* inspection to test the validity of the asserted attorney/client privilege. These include the forty-four documents beginning with Bates no. PAO-000005 on the first page of Defendant's Exhibit 1; the fifty-one documents under date of 3/6/1998 beginning with PAO-000006 on page 2 of Defendant's Exhibit 1; PAO-000007; PAO-000008; PAO-000247; PAO-000249; PAO-000292; PAO-000300; PAO-000750-000751; PAO-000807-000808; PAO-000810-000811; PAO 002340-002341; PAO-002353-002354; PAO-002360-002361; PAO-002368; PAO-002369; PAO-002377-002378; PAO-002448; PAO-002646; PAO-006201; PAO-007039; PAO-008016; and PAO-009389.

The "Abbreviated Log" attached as Exhibit 1 to the motion contains thirty-seven pages, many of which have eight or nine entries. The information contained in the log indicates when a document has been sent to or received from an attorney, and I have assumed that those documents are protected by the claimed attorney/client privilege, and their production will not be required. Only those documents which were highlighted by Defendant in Exhibit 1 to Defendant's motion were considered.

WHEREFORE,

IT IS ORDERED that on or before August 25, 2000, Plaintiff shall deliver to the undersigned for an *in camera* inspection the Bates numbered documents as set out above.


UNITED STATES MAGISTRATE JUDGE